The Committee considered and approved the Draft Report and authorised the Chairman to present the Report in the Legislative Assembly on 3rd May, 1973.

The members of the Committee thanked the Chairman and Officers. The Chairman thanked the members and Officers for their co-operation.

The Committee adjourned.

Te. HANUMANTHAPPA
Secretary

AS REPORTED BY THE JOINT SELECT COMMITTEE

(Words underlined or side lined indicate the amendments suggested by the Committee; omissions are indicated by asteriks).

THE MYSORE LAND REFORMS (AMENDMENT) BILL, 1973.

A Bill further to amend the Mysore Land Reforms Act, 1961.

Whereas it is expedient further to amend the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962) for the purpose hereinafter appearing ;

Be it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Land Reforms (Amendment) Act, 1973.

(2) It shall come into force at once.

2. Declaration.—In pursuance of Article 31C of the Constitution of India, it is hereby declared that the provisions of this Act are enacted for giving effect to the policy of the State towards securing the principles specified in clause (b) and clause (c) of Article 39 of the Constitution.

3. Amendment of section 2.—In section 2 of the Mysore Land Reforms Act. 1961 (Mysore Act 10 of 1962) hereinafter referred to as the principal Act),—

(1) in sub-section (A),—

(i) after clause (4), the following clause shall be inserted, namely :—

"(4A) "Amendment Act" means the Mysore Land Reforms (Amendment) Act, 1973 ;" ;

(ii) clause (6) shall be omitted ;

(iii) for clause (7), the following clause shall be substituted, namely :—

(7) 'ceiling area' means the extent of land which a person is entitled to hold under section 63" ;

(iv) in clause (11), x x x x x x x, Explanations I and III shall be omitted ;

(v) for clause (12), the following clause shall be substituted namely :—

(12) 'family means—

(i) in the case of an individual who has a spouse or spouses, such individual, the spouse or spouses and their minor sons and their unmarried daughters, if any ;

(ii) in the case of an individual who has no spouse such individual and his or her minor sons and unmarried daughters ;

(iii) in the case of an individual who is a divorced person and who has not remarried, such individual and his minor sons and unmarried daughters, whether in his custody or not ; and

(iv) where an individual and his or her spouse are both dead, their minor sons and unmarried daughters ;"

(vi) clause (13) shall be omitted ;

* * *

(vii) after clause (21), the following clauses shall be inserted, namely :—

"(21A) 'land revenue' means all sums and payments received or claimable by or on behalf of the state Government from any person on account of land held by or vested in him

as fixed at a settlement of land revenue current in the area in which the land is situated.

Explanation.—In the case of any village in which settlement of land revenue has not been made an amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining village in which settlement of land revenue has been made shall be deemed to be the land revenue for purposes of this clause ;

(21B) 'limited owner' means any person entitled to a life estate in any land and includes persons deriving rights through him ;

Explanation.—A person who has right to enjoy land during his life time shall be deemed to be a limited owner notwithstanding that he has no power to alienate the land ; " ;

(viii) in clause (23), after the words " means a tenant ", the words " who cultivates land personally " shall be inserted ;

(ix) clause (24) shall be omitted ;

(x) for clause (28), the following clause shall be substituted, namely :—

" (28) 'rent' means money paid or payable by a tenant on account of the use and occupation of the land held by him ; "

* * * *

(xi) for clause (29), the following clauses shall be substituted, namely :—

" (29) 'Scheduled Bank' means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 ;

(29A) 'Scheduled Castes' means the Scheduled Castes specified in respect of the State of Mysore or in respect of any area thereof, in the Constitution (Scheduled Castes) Order, 1950 ;

(29B) 'Scheduled Tribes' means the Scheduled Tribes specified in respect of the State of Mysore or in respect of any area therof in the Constitution (Scheduled Tribes) Order, 1950 ; ";

(xii) in clause (31), for the words "two basic holdings", the words "two units" shall be substituted ;

(xiii) for clause (32), the following clauses shall be substituted, namely :—

"(32) 'stridhana land' means any land held by any female member of a family in her own name ;

(32A) 'Tahsildar' includes a Special Tahsildar empowered by the the State Government to exercise all or any of the powers of the Tahsildar under this Act ;" ;

* * * *

(xiv) in clause (34), for the words "who holds land on lease", the words "who cultivates personally the land he holds on lease" shall be substituted ;

(xv) after clause (34), the following clauses shall be substituted namely :—

(xii) after clause (34), the following clauses shall be inserted, namely :—

"(35) "Tribunal" means the Tribunal constituted under section 48 ;

(35A) "Unit" means one acre of A class land, the soil classification value of which is fifty paise (eight annas) and above or an extent equivalent thereto consisting of one or more classes of other land specified in Part A of Schedule I determined in accordance with the formula in Part B of the said Schedule." ;

(2) sub-section (C) shall be omitted

4. *Substitution of new section for section 5.*—For section 5 of the principal Act, the following section shall be substituted, namely :—

"5. *Prohibition of leases, etc.*—(1) Save as provided in this Act, after the date of commencement of the Amendment Act, no tenancy shall be created or continued in respect of any land nor shall any land be leased for any period whatsoever.

(2) Nothing in sub-section (1) Shall apply to a tenancy created by a soldier or seaman if such tenancy is created within three months before he became a soldier or a seaman.

(3) Every lease granted under sub-section (2) shall be in writing."

5. Substitution of new section for section 8.—For section 8 of the principal Act, the following section shall be substituted, namely :—

"8. *Rent.*—Subject to the provisions of this Act and notwithstanding anything contained in any law, custom, usage, agreement or decree or order of a court to the contrary,—

(a) The rent payable in respect of any land by the tenant shall be paid annually ; and

(b) such rent shall with effect from the date of commencement of the Amendment Act, be ten times the land revenue payable in respect of such land :

Provided that in the case of A class, B class and C class of lands referred to in Part A of Schedule I, an additional rent as specified below shall be payable :—

(i) A class lands—Rupees sixty-six per acre per annum.

(ii) B class lands—Rupees forty-four per acre per annum.

(iii) C class lands—Rupees twenty-two per acre per annum :

Provided further that where the rent payable by a tenant under any contract is less than the rent specified in clause (b), such tenant shall not be liable to pay more than such rent and where in respect of contracts made prior to the commencement of the Amendment Act such lesser rent is payable in kind it shall be converted into money equivalent in the manner prescribed :

Provided also that in the area notified by the State Government as malnad area, the rent in respect of the lands specified as dry land but exclusively used only for grazing or removing leaves shall be equal to the land revenue payable for such lands."

6. *Substitution of new sectiion for section 9.*—For section 9 of the principal Act, the following section shall be substituted, nemely :—

"*9. Dispute regarding rent payable.*—(1) Where the landlord evades receiving the rent and giving a receipt, the tenant shall be deemed to have paid the rent if he sends the same by postal money order to or deposits it with the Tahsildar.

(2) A dispute between the landlord and the tenant as regards the rent payable shall, on the application of the landlord or the tenant, be determined by the Tahsildar."

7. *Amendment of section 10.*—In section 10 of the principal Act, clause (b) shall be omitted.

8. *Insertion of new section 10A.*—After section 10 of the principal Act, the following section shall be inserted, namely :—

"*10A. Liability to pay land revenue, etc.*—Notwithstanding any law, custom, usage, agreement, decree or order of a court, the tenant shall, with effect from the date of commencement of the Amendment Act, be responsible for the payment of the land revenue, water rate and all cesses or fees levied thereon to the State Government or a local authority in respect of the land held on lease by him."

9. *Amendment of section 11.*—In section 11 of the principal Act,—

(i) for the word "court" in the two places it occurs, the word "Tahsildar" shall be substituted ;

(ii) the words "or where the rent is paid in kind, twice the value in cash of the excess rent recovered" shall be omitted.

10. *Amendment of section 13.*—In section 13 of the principal Act,—

(i) in the heading, for the words "remissions, reduction or enhancement", the words "remissions or reduction" shall be substituted ;

(ii) clause (b) of sub-section (6) shall be omitted.

11. Omission of section 14.—Section 14 of the principal Act shall be omitted.

12. Substitution of new section for section 15.—For section 15 of the principal Act, the following section shall be substituted, namely,—

"*15. Resumption of land by soldier or seaman.*—(1) A soldier or a seaman who has created or continued a lease in accordance with the provisions of section 5 shall, subject to the provisions of this Act, be entitled to resume land to the extent of the ceiling area whether his tenant is a protected tenant or not.

(2) The soldier or the seaman shall, if he *bona fide* requires the land to cultivate personally issue a notice to the tenant requiring him to deliver possession of the land within the period specified in the notice, which shall not be less than the prescribed period.

(3) The notice referred to in sub-section (2) shall be given,—

(i) in the case of a soldier in service in the Armed Forces of the Union, within one year from the date on which he is released from the Armed Forces or is sent to the reserve ;

(ii) in the case of the father, mother, spouse, child or grand-child of a soldier, within one year from the date of the death of such soldier ; and

(iii) in the case of a seaman, within one year from the date on which he ceases to be a seaman.

(4) If the tenant fails to deliver possession of the land within the period specified in the notice, the soldier or the seaman may make an application to the Tahsildar within whose jurisdiction the greater part of the land is situated, furnishing the prescribed particulars for eviction of the tenant and delivery of possession of the land.

(5) On receipt of such application, the Tahsildar shall issue a notice to the tenant calling upon him to deliver possession of the land to the soldier or the seaman within such time

as may be specified in the notice, and if the tenant fails to comply, the Tahsildar may summarily evict the tenant and deliver possession of the land to the soldier or seaman.

(6) Where the Tahsildar on application by the tenant or otherwise and after such enquiry as may be prescribed is satisfied that a notice as required by sub-section (2) is not issued, he shall, by notification, declare that with effect from such date as may be specified in the notice the land leased shall stand transferred to and vest in the State Government free from all encumbrances. The Tahsildar may take possession of the land in the prescribed manner and the tenant shall be entitled to be registered as an occupant thereof. The provisions of section 45 shall *mutatis mutan-dis* apply in this behalf."

13. Omission of sections 16, 17 and 18.—Sections 16, 17 and 18 of the principal Act shall be omitted.

14. Amendment of section 19—(1) Section 19 of the principal Act shall be renumbered as sub-section (1) of that section and in the said sub-section (1),—

(i) for the words and figures "under section 14 shall within six years", the words "shall within fifteen years" shall be substituted ;

(ii) for the word "court", the word "Tahsildar" shall be substituted ;

(2) after the said sub-section (1), the following sub-section shall be inserted, namely :—

"(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a landowner to take a loan and mortgage or create a charge on his interest in the land in favour of the State Government, a Scheduled Bank, a Co-operative Land Development Bank, a company as defined in section 3 of the Companies Act, 1956 in which not less than fifty-one per cent of the paid up share capital is held by the State Government or a Corporation owned or controlled by the Central Government or the State Government or both, for development of land or improvement of

agricultural practices ; and without prejudice to any other remedy provided by any law, in the event of his making default in payment of such loan in accordance with the terms and conditions on which such loan was granted, it shall be lawful to cause his interests in the land to be attached and sold and the proceeds to be utilised in payment of such loan.".

15. Substitution of new section for section 20.—For section 20 of the principal Act, the following section shall be substituted, namely :—

" *20. Failure to cultivate, etc.—(1)* Where a person who has taken possession of any land by evicting a tenant in order to cultivate it personally or use it for non-agricultural purposes, fails within one year from the date he took possession or ceases within three years from such date to do so, the Tahsildar shall on application by the tenant or otherwise, if satisfied that such person has so failed or ceased, declare, by notification, that with effect from such date as may be specified therein the land shall stand transferred to and vest in the State Government free from all encumbrances.

" (2) When the land has so vested the tenent shall be entitled to be registered as occupant thereof and the provisions of section 45 shall *mutatus mutandis* be applicable in this behalf."

16. Amendment of section 21.—In section 21 of the principal Act.

* * * * *

(1) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely.—

" (2) Notwithstanding anything contained sub-section (1) it shall be lawful for a tenant who is a soldier, in service in the armed forces of the Union or a seamen to sub-let land held by him as a tenant.

(3) Notwithstanding anything contained in sub-section (1), it shall be lawful for a tenant to take a loan and mortgage or create a charge on his interest in the land in favour of the State Government, a Scheduled Bank, a Co-operative Land Development Bank,

a company as defined in section 3 of the Companies Act, 1956 in which not less than fifty one per cent of the paid up share capital is held by the State Government or a Corporation owned or controlled by the Central Government or the State Government or both, for development of land or improvement of agricultural practices ; and without prejudice to any other remedy provided by any law in the event of his making default in payment of such loan in accordance with the terms and conditions on which such loan was granted, it shall be lawful to cause his interest in the land to be attached and sold and the proceeds to be utilised in payment of such loan."

17. *Amendment of section 22.*—In section 22 of the principal Act.—

(i) in sub-section (1),—

(a) for the figures " 14 ", the figures " 15 " shall be substituted ;

(b) in the first proviso, for the words " six months " the words " three months " shall be substituted ;

(c) the second proviso shall be omitted ;

(ii) in sub-section (3), the words " a minor, a widow, an unmarried woman or who is subject to physical or mental disability or who is " shall be omitted.

18. Amendment of section 23.—In section 23 of the principal Act,—

(i) in sub-section (1),—

(a) atfer the words " the arrears of rent ", the words " for two consecutive years " shall be inserted ;

(b) for the word " court " in the three places it occurs, the word " Tahsildar " shall be substituted ;

(ii) after sub-section (2), the following sub-section shall be added, namely:—

" (3) Notwithstanding anything contained in sub-sections (1) and (2) or in section 116, no decree or order for eviction on

the ground of default in paying rent shall be executed if the tenant pays to the landlord the arrears of rent for two consecutive years together with the costs of the proceedings as specified in such decree or order and on such payment, the said decree or order shall abate ".

19. Substitution of new section for section 24.—For section 24 of the principal Act, the following section shall be substituted, namely :—

" *24. Rights of tenant to be heritable.*—Where a tenant dies, the landlord shall be deemed to have continued the tenancy to the heirs of such tenant on the same terms and conditions on which such tenant was holding at the time of his death ".

20. Substitution of new section for section 25.—For section 25 of the principal Act, the following section shall be substituted, namely :—

" 25. *Surrender of land by tenant.*—(1) No tenant shall surrender any land held by him as tenant except in favour of the State Government :

Provided that any such surrender shall not be effective unless made in writing and the tenant has admitted the same before the Tahsildar and the same has been registered in the office of the Tahsildar in the prescribed manner.

(2) In respect of the land surrendered to it under sub-section (1), the State Government shall pay to the landlord rent calrulated according to the provisions of section 8.

(3) The State Government may subject to rules made for the purpose lease the surrendered land to any person.

(4) Where the State Government leases the land under sub-section (3) the leasee shall pay the rent for the land to the landlord directly and with effcet from the date of such lease the State Government's liability under sub-section (2) for payment of rent of the land shall cease."

21. Amendment of section 27.—In section 27 of the principal Act,—

(i) for the word "court", the word "Tahsildar" shall be substituted ;

(ii) the first proviso shall be omitted ;

(iii) in the second proviso, the word "further" shall be omitted.

22. Omission of section 28.—Section 28 of the principal Act shall be omitted.

23. Amendment of section 30.—In sub-section (2) of the section 30 of the principal Act, for the word "court", the word Tahsildar" shall be substituted.

24. Amendment of section 35.—In section 35 of the principal Act,—

(i) in sub-section (1)—

(a) in clause (a), for the words "his predecessor in-title" the words "any of his predecessors in-title" shall be substituted ;

(b) in clause (b), for the words "any default", the words "default during three consecutive years" shall be substituted.

(ii) in sub-section (2), the figures and word "14 or" shall be omitted.

25. Substitution of new section for section 36.—For section 36 of the principal Act, the following section shall be substituted, namely :—

36. Site on which dwelling hous is built to be sold to tenant.—(1) If a landlord to whom the site referred to in section 35 belongs intendes to sell such site, it shall be sold only to the tenant at the expense of whom or of any of whose predecessors in-title the dwelling house thereon has been built.

(2) The price payable by the tenant for such site shall be an amount equal to ten times the land revenue payable thereon

* * *

(3) Any sale in contravention of the provisions of this section shall be null and void."

26. Amendment of section 37.—For sub-section (2) of section 37 of the principal Act, the following sub-section shall be substituted, namely :—

" (2) If the landlord refuses or fails to accept the offer and execute the sale deed within three months from the date thereof, the tenant may apply to the Tahsildar who shall, by order in writing, require the tenant to deposit with him the sale price within ninety days from the date of the order. When such deposit is made the site shall be deemed to have been transferred to the tenant and the Tahsildar shall, on payment of the prescribed fees and in the prescribed form grant a certificate to the tenant ".

27. Amendment of section 39.—In section 39 of the principal Act, for the word " court " wherever it occurs, the word " Tahsildar " shall be substituted.

28. Amendment of section 40.—In section 40 of principal Act, * * * for the word " court ", the word " Tahsildar " shall be substituted.

29. Amendment of section 41.—In section 41 of the principal Act, for the word " court " wherever it occurs, the word " Tahsildar " shall be substituted.

30. Amendment of section 42.—In section 42 of the principal Act,—

(1) in sub-sections (2) and (3), for the word " court ", the word " Tahsildar " shall be substituted ;

(2) for sub-section (4), the following sub-section and Explanation to it shall be substituted, namely :—

" (4) An application under this section shall be filed within one year from the date the rent fell due.

Explanation.—For purposes of this section, rent for any year shall be deemed to fall due on the last day of June of that year.

31. Substitution of new sections for sections 44 and 45.— For sections 44 and 45 of the principal Act, the following sections shall be substituted, namely :—

"44. *Vesting of lands in the State Government.*—All lands held by tenants immediately prior to the date of commencement of the Amendment Act, other than lands held by them under leases permitted under section 5, shall, with effect on and from the said date, stand transferred to and vest in the State Government.

(2) Notwithstanding anything in any decree or order of or certificate issued by any court or authority directing or specifying the lands which may be resumed or in any contract, grant or other instrument or in any other law for the time being in force, with effect on and from the date of vesting and save as otherwise expressly provided in this Act, the following consequences shall ensue, namely :—

(a) all rights, title and interest vesting in the owners of such lands and other persons intrested its such lands shall cease and be vested absolutely in the State Government free from all encumbrances ;

(b) all rents and all other amounts in respect of such lands which become due on or after the date of vesting shall be payable to the State Government and not to the land-owner, landlord or any other person and any payment made in contravention of this clause shall not be valid ;

(c) all arrears of land revenue, cesses, water rate or other dues remaining lawfully due on the date of vesting in respect of such lands shall after such date continue to be recoverable from the land-owner, landlord or other person by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears from the amount payable to any person under this Chapter ;

(d) no such lands shall be liable to attachment in execution of any decree or other process of any court

and any attachment existing on the date of vesting and any order for attachment passed before such date in respect of such lands, shall cease to be in force ;

(e) the State Government may, after removing any obstruction which may be offered, forthwith take possesion of such lands :

Provided that the State Government shall not dispossess any person of any land in respect of which it considers, after such enquiry as may be prescribed, that he is *prima facie* entitle to be registered as an occupant under this Chapter ;

(f) the land-owner, landlord and every person interested in the land whose rights have vested in the State Government under clause (a), shall be entitled only to receive the amount from the State Government as provided in this Chapter ;

(g) permanent tenants, protected tenants and other tenants holding such lands shall as against the State Government be entitle only to such rights or privileges and shall be subject to such conditins as are provided by or under this Act ; and any other rights and privileges which may have accrued to them in such lands before the date of vesting against the landlord or other person shall cease and determine and shall not be enforceable against the State Government.

45. Tenants to be registered as occupants of land on certain conditions.—(1) Subject to the provisions of the succeeding sections of this Chapter, every person who was a permanet tanant, protected tenant or other tenant or where a tenant has lawfully sublet such sub-tenant shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of the lands of which he was a permanent tenant, protected tenant or other tenant or sub-tenant before the date of vesting and which he has been cultivating personally.

(2) If a tenant or other person refered to in sub-section (1),—

(i) holds land partly as owner and partly as tenant but the area of the land held by him as owner is equal to or exceeds a ceiling area he shall not be entitled to be registered as an occupant of the land held by him as a tenant before the date of vesting ;

(ii) does not hold and cultivate personally any land as an owner, but holds land as tenant which he cultivates personally in excess of a ceiling area, he shall be entitled to be registered as an occupant to the extent of a ceiling area ;

(iii) holds and cultivates personally as an owner of any land the area of which is less than a ceiling area, he shall be entitled to be registered as an occupant to the extent of such area as will be sufficient to make up his holding to the extent of a ceiling area.

(3) The land held by a tenant before the date of vesting and in respect of which he is not entitled to be registered as an occupant under this section shall be disposed of in the manner provided in section 77".

31. Substitution of new sectoin for section 47.—For section 47 of the principal Act, the following section shall be substituted, namely :—

"*47. Amount payable.*—(1) Save as provided in section 106, every land-owner, landlord and all other persons interested in the land shall, for the extinguishment of their rights in the land vesting in the State Government under section 20 or section 44, be entitled to be an amount determined with reference to the annual income derivable from the land or all the lands, as the case may be, in accordance with the following scale, namely :—

(i) for the first sum of rupees five thousand or any portion thereof of the net annual income from the land, fifteen times such sum or portion ;

(ii) for the next sum of rupees five thousand or any portion thereof of the net annual income from the land, twelve times such sum or portion ;

(iii) for the balance of the net annual income from the land, ten times such balance, :

Provided that —

(i) if the tenant in respect of the land is a permanent tenant, the amount payable shall be six-times the difference between the rent and the land revenue payable for such land.

(ii) if the tenant holds land from intermediaries the amount shall be paid to the land-owner and the intermediaries in the same proportion in which the rent paid for the land by the tenant was being appropriated by them immediately before the date of vesting ;

(iii) if the landlord is a small holder, he shall be entitled to an amount equal to twenty times the net annual income from the land.

(2) For the purpose of sub-section (1), the net annual income from the land shall be deemed to be the amount payable as annual rent in respect of the land as specified in clause (b) and the proviso to the clause (if applicable to that land), of section 8. But where in a land assessed as wet land or dry land the landlord has raised fruit bearing tress, the annual income for purposes of sub-section (1) shall be determined on the basis of assessment for garden land which could have been levied having regard to the nature of the fruit bearing trees.

(3) Where there are wells or other structures of a permanent nature on the land constructed by the landlord, the value thereof calculated in the prescribed manner shall also be payable.

" (4) Notwithstanding anything in sub-sections (1) and (3) the aggregate amount payable according to the said sub-sections shall not exceed rupees two lakhs."

33. Substitution of new sections 48, 48A and 48B for section 48.—For section 48 of the principal Act, the following sections shall be substituted, namely :—

"*48. Constitution of Tribunals.*—(1) The State Government shall by notification constitute for each Taluk a Tribunal for purposes of this Act consisting of the following members, namely :—

(i) The Assistant Commissioner of the Revenue sub-division having jurisdiction over the Taluk or an Assistant Commissioner specially appointed for the purpose by the State Government ;

(ii) four others nominated by the State Government of whom at least one shall be a member of the State Legislature and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes, where the member of the State Legislature nominated does not belong to such Caste or Tribe.

(2) The Assistant Commissioner shall be the Chairman of the Tribunal.

(3) The State Government may from time to time likewise re-constitute the Tribunal and may at any time abolish it.

(4) The quirum to constitute the meeting of the Tribunal and the procedure to be followed by it shall be such as may be prescribed.

(5) No act or proceeding of the Tribunal shall be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution or re-constitution thereof.

(6) The non-official members of the Tribunal shall be entitled to such travelling and other allowances as may be prescribed.

(7) The Tahsildar of the Taluk shall be the Secretary of the Tribunal.

(8) No legal practitioner shall be allowed to apper in any proceedings before the Tribunal.

48A. Enquiry by the Tribunal, etc.—(1) Every person entitled to be registered as an occupant under section 45 may make an application to the Tribunal in this behalf. Every such application shall be made within six months from the date of commencement of the Amendment Act, provided that the Tribunal may, for sufficient cause shown, admit an application made beyond six months.

(2) On receipt of the application, the Tribunal shall publish or cause to be published, a public notice in the village calling upon the landlord and all other persons having an interest in the land to appear before it on the date specified in the notice. The Tribunal shall also issue individual notices to the persons mentioned in the application and also to such others as may appear to it to be interested in the land.

(3) The form of the application, the form of the notices, the manner of publishing or serving the notices and all other matters connected therewith shall be as may be prescribed.

(4) Where no objection is filed, the Tribunal may, after such verification as it considers necessary, direct, by order that the applicant shall be registered as occupant.

(5) Where an objection is filed disputing the validity of the applicant's claim or setting up a rival claim, the Tribunal shall, after enquiry, determine, by order, the person entitled to be registered as occupant and pass orders accordingly.

(6) The order of the Tribunal under this section shall be final and the Tribunal shall send a scope of every order passed by it to the Tahsildar and the parties concerned.

(7) The person to be registered as an occupant shall pay to the State Government as premium an amount equal to the amount payable for the land under section 47.

(8) Where no application is made within the time allowed under sub-section (1), the right of any person to be registered as an occupant shall have no effect.

and prepare a statement showing the apportionment of the amount so determined among the persons entitled to it in accordance with the value of their respective interest in the land. Such statement shall contain the following particulars, namely :—

(a) the particulars of the lands in respect of which the amount is to be paid ;

(b) the names of the land-owner, landlord and intermediaries if any and other persons interested in the land and the amount payable to each of them ;

(c) such other particulars as may be prescribed.

" (2) Notwithstanding anything contained in sub-section (1), where there is no agreement among the persons entitled for the amount regarding the right to or apportionment of the amount, the Tahsildar shall refer the question to the court. On receipt of such reference the court shall after giving notice to the parties concerned, try the question referred to it and record the findings thereon and send the same to the Tahsildar. The Tahsildar shall then preapre the statement referred to in sub-section (1) in accordance with the said findings."

34. Amendment of section 50.—In section 50 of the principal Act,—

(i) in the heading, for the word " compensation ", the words " the amount " shall be substituted ;

(ii) in sub-section (1), for the words and figures " In an enquiry under section 48, the court ", the words, figures and letter " The Tahsildar while determining the amount under section 48B " shall be substituted and for the word " compensation ", the word " amount " shall be substituted.

(iii) in sub-section (2),—

(a) in clause (a), the words " of compensation " shall be omitted and for the words " towards compensation," the words, " towards the amount " shall be substituted ;

(b) in clause (b), for the words " amount of compensation payable ", the words " amount payable " shall be substituted :

(iv) after sub-section (2), the following sub-section shall be inserted, namely :—

" (3) If any question of law is involved regarding the validity of the encumbrance, the claim of the holder of the encumbrance or regarding the amount due in respect of the encumbrance or if there is no agreement regarding any encumbrance between the landlord and the holder of the encumbrance, then notwithstanding anything contained in section 132, the Tahsildar shall refer the question for decision to the court. On receipt of such reference the court shall, after giving notice to the parties concerned, try the question referred to as expeditiously possible and record findings thereon and send the same to the Tahsildar. The Tahsildar shall then give the decision in accordance with the said findings."

35. Amendment of section 51.—In section 51 of the principal Act,—

(i) in the heading, for the words " of compensation " the words " of the amount " shall be substituted ;

(ii) for the word " compensation ", the word " amount " shall be substituted.

36. Amendment of section 52.—In section 52 of the principal Act, for the word "compensation" wherever it occurs, the word " the amount " shall be substituted.

37. Amendment of sections 53 and 54.—In sections 53 and 54 of the principal Act, for the word "court", the word "Tahsildar" shall be substituted.

38. Amendment of section 55.—In section 55 of the principal Act,—

(1) for the word "court", wherever it occurs the word "Tahsildar" shall be substituted ;

(2) in sub-section (3),—

(i) for the words "on the ground that he for sufficient reasons", the words "on the ground that on account of total or partial failure of crops owing to drought,

pests, floods or for any other sufficient reasons he" shall be substituted ; and

(ii) for the words " as it may think fit", the words " as he may think fit " shall be substituted.

39. Amendment of section 57.—In sub-section (1) of section 57 of the principal Act, the words and figures " then the date of vesting of non-resumable land shall be notice under seciton 44 but " shall be omitted.

40. Substitution of new section for section 58.—For section 58 of the principal Act, the following section shall be substituted, namely :—

" *58. Vesting in the State Government of land leased contrary to the Act.*—(1) Where it appears to the Tahsildar that any person has leased land contrary to the provisions of this Act, he shall issue a notice to such person to show cause within fifteen days from the date of service of the notice why the land leased should not be forfeited to the State Government as penalty for contravention of the Act.

(2) If the Tahsildar on considering the reply or other cause shown is satisfied that there has been such a lease he may, by order, declare that the right, title and interest of such person in the land shall be forfeited to the State Government, as penalty. Thereupon the land shall vest in the State Government and the Tahsildar may take possession thereof by summarily evicting any person occupying it.

(3) Such land shall be dispostd of in accordance with the provisions of section 77 ".

41. Substitution of new section for section 59.—For section 59 of the principal Act, the following section shall be substituted, namely :—

" *59. Disposal of land where the tenant is not registered as an occupant.*—Where the right to be registered as an occupant of any land by a tenant becomes ineffective then, the Tahsildar may *suo motu* or on application made in this behalf and after

holding an inquiry direct that the land shall be disposed of in the manner provided in section 77."

42. Amendment of section 60.—In section 60 of the principal Act,—

(1) for the words "fails to cultivate the land personally," the words "fails to cultivate the land personally for three consecutive years" shall be substituted;

(2) for the word "court", the word "Tahsildar" shall be substituted.

43. Amendment of section 61.—In section 61 of the principal Act,—

(i) in sub-section (1)—

(a) for the words "form the date of such grant" the words and figures "from the date the certificate under section 55 is issued" shall be substituted;

(b) the words and figures "or under section 77" shall be omitted.

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the occupant registered as such or his successor-in-title to take a loan and mortgage or create a charge on his interest in the land in favour of the State Government, a Scheduled Bank, a Co-operative Land Development Bank or a company as defined in section 3 of the Companies Act, 1956 in which not less than fifty one per cent of the paid-up share capital is held by the State Government or a Corporation owned or controlled by the Central Government or the State Government or both for development of land or improvement of agricultural practices; and without prejudice to any other remedy provided by any law, in the event of his making default in payment of such loan in accordance with the terms and conditions on which such loan was granted, it shall be lawful to cause his interest in the land to be attached and sold and the proceeds to be utilised in the payment of such loan.

45. *Substitution of new section for section 63.*—For section 63 of the principal Act, the following section shall be substituted, namely :—

"*63, Ceiling on land.*—(1) No person who is not a member of a family or who has no family and no family shall, except as otherwise provided in this Act, be entitled to hold, whether as land owner, landlord or tenant or as a mortgage with possession or otherwise or partly in one capacity and partly in another, land in excess of the ceiling area.

(2) The ceiling area for a person who is not a member of a family or who has no family, or for a family shall be ten units :

Provided that in the case of a family consisting of more than five members the ceiling area shall be ten units plus an additional extent of two units for every member in excess of five, so however the ceiling area shall not exceed twenty units in the aggregate :

Provided further that in the case of dry lands specified as class D or class E in Part A of Schedule I and situated in the drought affected Taluks mentioned in Part C of the said schedule, the ceiling area shall get increased by twenty per cent.

(3) In the case of a family the ceiling area shall be applied to the aggregate of the lands held by all the members of the family, including the 'stridhana' land.

(4) In calculating the extent of land held by a person who is not a member of a family but is a member of a joint family and also in calculating the extent of land held by a member of a family who is also a member of a joint family, the share of such member in the lands held by a joint family shall be taken into account and aggregated with the lands if any held by him separately and for this purpose such share shall be deemed to be extent of land which would be allotted to such person had there been a partition of the lands held by the joint family.

(5) In respect of lands owned or held under a private trust,—

(a) where the trust is revocable by the author of the trust, such lands shall be deemed to be held by such author or his successor in interest ; and

(b) in other cases, such lands shall be deemed to be held by the beneficiaries of the trust in proportion to their respective interests in such trust or the income derived therefrom.

Explanation.—Where a trust is partly private and partly public this sub-section shall apply only to lands covered by that part of the assets of the trust which is relatable to the private trust.

(6) In calculating the extent of land held by a person who is not a member of a family, or who has no family or by a member of a family, the share of such person or member in the lands held by a co-operative farm shall be taken into account.

(7) (a) No sugar factory shall hold land except solely for purpose of research or seed farm of both. Where land is held by a sugar factory for such purpose the ceiling area shall be fifty units.

(b) If any question arises whether any land held by a sugar factory is solely used for the purpose of research or seed farm or both, the decision of the State Government shall be final and the land not held for the said purpose shall be deemed to be surplus land and the provisions of sections 66 to 76 shall, so far as may be, apply to the surrender to and vesting in the State Government of such land. The provisions of this sub-section shall have effect notwithstanding anything contained in this Act.

(8) No person who holds lands cultivated by plantation crops in excess of ten units shall be entitled to hold any other agricultural land. Where the extent of land in which such crops are cultivated held by such person is less than ten units, he may hold agricultural land which together with such land held by him shall not in extent exceed ten units.

(9) Notwithstanding anything in the proceding sub-section, if any person has, (i) after the 18th November 1961 and before the 2nd October 1965 or (ii) after the 24th January 1971 transferred any land otherwise than by partition or by donation to the Mysore Bhoodan Yagna Board established under the Mysore Bhoodan Yagna Act, 1963 (Mysore Act 34 of 1963) or by sale to the tenant of such land in conformity with any law for the time

being in force, then in calculating the ceiling area which that person is entitled to hold the area so transferred shall be taken into account and the land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area notwithstanding that the land remaining with him may not in fact be in excess of the ceiling area.

If by reason of such transfer the person's holding is less than the area so calculated to be in excess of the ceiling area, then all his lands shall be deemed to be surplus land and the provisions of sections 66 to 76 shall as far as may be apply to the surrender to and vesting in the State Government of such exess land.

Explanation.—For purposes of this sub-seection the land shall be deemed to have been transferred if it has been transferred by act of parties (whether by sale, gift, mortgage with possession, exchange, lease, or any other kind of disposition made inter vivos)."

46. *Amendment of section 64.*—In section 64 of the principal Act, for the proviso, the following Explanation shall be substituted, namely :—

"*Explanation.*—In this section "bequest" includes—

(i) gift made in contemplation of death ; and

(ii) gift to take effect after the happening of any event."

* * * *

47. *Insertion of new section 65A.*—After section 65 of the principal Act, the following section shall be inserted namely :—

"*65A. Certain lands deemed to be in excess of ceiling area.*—Where as a result of irrigation from a source constructed by the State Government, any land held by person or if he has a family, together with any member of his family, is converted after the appointed day into any other class of land and thereby the lands held by such person exceed the ceiling area, the land so in excess shall be deemed to be surplus land and accordingly the provisions of sections 66 to 76 shall, so far as may be, apply to the surrender and vesting in the State Government of such excess land.

Explanation.—For purposes of this section the land shall be deemed to have been converted from the date of completion of the irrigation work notified under section 3 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

48. Amendment of section 66.—In section 66 of the principal Act,—

(1) for sub-section (1), the following sub-sections shall be substituted, namely :—

(1) (a) Every person who on the date of the commencement of the Amendment Act holds ten acres of garden or irrigated land or twenty acres of rainfed wet land or forty acres of dry land shall, within ninety days after the said date ;

(b) every person who acquires land in excess of the extent specified in clause (a) in any manner referred to in section 64 ; and

(c) every person whose land is deemed to be in excess of the ceiling area under section 65A,

shall within the prescribed period furnish a declaration to the Tahsildar within whose jurisdiction the holding of such person or the greater part thereof is situated containing the following particulars, namely :—

(i) particulars of all the lands ;
(ii) particulars of the members of the family ; and
(iii) such other particulars as may be prescribed :

Provided that if such person is a soldier in the service of the armed force of the Union or a seaman, the declaration shall be furnished within the prescribed time.

(1A) Where a person holds different classes of land mentioned in sub-section (1) the total extent of land held by such person shall for the purposes of this section, be determined by converting all the classes of land into any one class in accordance with the following formula namely :—

"One acre of garden or irrigated land = two acres of rainfed wet land = four acres of dry land."

(2) the Explanation at the end shall be omitted.

49. Insertion of new section 66A.—After section 66 of the principal Act, the following section shall be inserted, namely :—

"*66A. Penalty for failure to furnish declaration.*—where a person required by section x x x 66 to furnish a declaration,—

(a) fails without reasonable cause so to do, within the time specified in that section, or

(b) furnishes a declaration which he knows or has reason to believe, to be false,

the Tahsidar shall issue a notice to such person asking him to show cause within fifteen days of the service thereof why a penalty which may extend to five hundred rupees may not be imposed on him. Where no reply is filed or where a reply is filed, the Tahsildar is satisfied that the person has without resonable cause failed to furnish the declaration within time or has submitted the declaration knowing or having reason to believe it to be false, he may, by order, impose the said penalty and require such person to furnish a true and correct statement complete in all particulars, within a period of one month from the date of service of the order.

(3) If such person fails to comply with the order within the time granted, x x x the right, title and interest of such person in the land held to the extent in excess of the ceiling area shall by way of penalty be forfeited to the State Government and shall thereupon vest in the State Government."

50. Amendment of section 67.—In section 67 of the principal Act,—

(i) in sub-section (1), for the portion beginning with the words "On receipt of a declaration" and ending with the words and figures "section 63 or 64", the following shall be substituted, namely :—

"Save as provided in section 66A, on receipt of a declaration under section 66, and after such enquiry as may be prescribed, the Tahsildar shall determine the extent of holding and the area by which such extent exceeds the ceiling area." ;

(ii) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1A) Where the lands held by a family consist of 'stridhana' land which may be surrendered, the extent of 'sridhana' land to be surrendered shall in no case be more than the proportion which the extent of 'stridhana' land bears to the extent of other land held by the family.

(1B) Where a person holds lands cultivated by him personally as well as lands cultivated by a tenant, the surrender of surplus land by him shall with reference to the land cultivated by a tenant, be subject to the provision of Chapter III." ;

(1C) Where a person is disentitled to hold agricultural land under sub-section (8) of section 63 he may surrender either the land cultivated by plantation crop or other agricultural land or partly one and partly the other so however that the extent of the land or the aggregate extent of the land retained by him shall not exced the ceiling area referred to in the said sub section.

(iii) for sub-section (3), the following sub-sections shall be substituted, namely :—

"(3) If the person concerned files such declaration within the prescribed period, the Tahsildar may subject to the provision of sub-section (3A) pass an order approving the surrender and the said land shall thereupon be deemed to have been surrendered by such person.

(3A) If the land proposed to be surrendered is not suitable on the ground of inaccessibility or any other ground that may be prescribed, the Tahsildar may pass on order rejecting it and call upon the person concerned to file a fresh statement specifying therein other suitable land. On the filing of such statement the Tahsildar shall pass an order approving such surrender and the said land shall thereupon be deemed to have been surrendred by such person. If such person fails to file a fresh statement, the Tahsildar may himself select the land which shall be surrendered by such person and pass an order to that effect ; and thereupon the said land shall be deemed to have been surrendered by such person."

(iv) in sub-section (5), for the figures, brackets and word "(3) or (4)", the figures, letter, brackets and word "(3), (3A) or (4)" shall be substituted.

51. Amendment of section 69.—In x x x x sub-section (3) of section 69 of the principal Act, the words, brackets and letter "clause (b) of" shall be omitted.

52. Amendment of section 70.—In section 70 of the principal Act,—

(i) in sub-section (1), after the words "revert to the mortgagor", the words, figures and letter "not being a person disentitled to hold lands under section 79A" shall be inserted ;

(ii) in sub-section (3) for the words, brackets and figures "under sub-section (1)", the words and figures "for the reason that the mortgagor is himself liable under section 67 to surrender the land held by him" shall be substituted.

53. Substitution of new section for section 72.—For section 72 of the principal Act, the following section shall be substituted, namely :—

"72. *Amount payable for lands surrendered to and vesting in the State Government.*—(1) Save as otherwise provided in this Act the amount payable in respect of land to be taken over by the State Government under sections 68, 70, 71, 79A and 79B shall be determined with reference to the net annual income derivable from the land in accordance with the following scale, namely :—

(i) for the first sum of rupees five thousand or any portion thereof of the net annual income from the land, fifteen times such sum or portion ;

(ii) for the next sum of rupees five thousand or any portion thereof of the net annual income from the land, twelve times such sum or portion ;

(iii) for the balance of the net annual income from the land, ten times such balance subject to the condition that the total amount payable is limited to rupees two lakhs.

(2) For the purpose of sub-section (1), the net annual income from the land shall be deemed to be the amount payable annual rent in respect of the land as specified in clause (b), and the proviso to that clause (if applicable to that land) of section 8.

(3) The amount under sub-section (1) shall be payable as follows :—

(a) to the tenent, if any, in possession of the land, an amount equal to one year's net annual income,

(b) to the owner, the balance.

(4) Where there are wells or orther structures of permanent nature on the land, raised or constructed by the owner then, the value thereof calculated in the prescribed manner shall also be payable. But where in a land assessed as wet land or dry land, the owner has raised fruit bearing trees, the net annual Income of such land for purposes of sub-section (1) shall be determined on the basis of assessment for garden land which could have been levied having regard to the nature of the fruit bearing trees.

(5) Notwithstanding anything in sub-sections (1) and (4), the aggregate amount payable according to the said sub-sections shall not exceed rupees two lakhs."

(6) Where by operation of sub-section (9) of section 63 a person whose holding on the date of commencement of the Amendment Act is within the ceiling area is required to surrender lands under his personal cultivation compensation shall be paid at the market value."

54. *Amendment of section 73.*—In section 73 of the principal Act,—

(i) in the heading, for the word "compensation", in the two places it occurs, the words "the amount" shall be substituted ;

(ii) in sub-section (1), for the word "court", the word "Tahsildar" shall be substituted and for the word "compensation" in the two places it occurs, the word "amount" shall be substituted ;

(iii) in sub-section (2), for the word "compensation" in the two places it occurs, the words "the amount" shall be substituted ;

(iv) in sub-section (3), for the word "compensation" the word "amount" shall be substituted ;

55. Amendment of section 74.—In section 74 of the principal Act, for the words, brackets and figures "On and from the date notified under sub-section (1) of section 66", the words, brackets and figure "On and from the date of commencement of the Amendment Act", shall be substituted.

x x x x x x

56. Substitution of new section for section 77.—For section 77 of the principal Act, the following section shall be substituted, namely :—

"*77. Disposal of surplus land.*—(1) Surplus land vesting in the State Government under this Act, land directed to be disposed of under sub-section (3) of section 45, section 58, section 59, section 60, land vesting in the State Government under section 79A, section 79B or under any other provision of this Act and any other land acquired under section 131, shall subject to reservation of fifty per cent thereof for grant to persons belonging to Scheduled Castes and the Scheduled Tribes and also subject to such restrictions and conditions as may be prescribed in this behalf, may be granted by the Tribunal to the following persons to the extent and in the order of preference as indicated below :—

(i) Displaced tenants having no land	...	Not less then one unit each.
(ii) Landless agricultural labourers	...	Not less than one unit each.
(iii) Landless persons including ex-military personnel whose gross annual income does not exceed rupees two thousand.		Not less than one unit.

(iv) Other persons residing in other villages in the not less than the same or adjacent taluk having less than one unit and whose gross annual income does not exceed rupees two thousand.	Not less than the extent required to make up one Unit :	

Provided that in granting land under this section, the Tribunal shall give preference to the tenant, sub-tenant, or other person, who immediately prior to the vesting of the land in the State Government cultivated the land and who under the provisions of this Act is not precluded from holding the land that may be allotted to him under this section and such grantee shall hold such land as registered occupant :

Provided further except in the case of ex-military personnel, among persons mentioned in each of the items (i), (ii) and (iii), persons residing in the same village where the land is situated shall be preferred to others.

Explanation.—"Displaced tenant" means a person who has been deprived of agricultural land of whch he was a tenant on account of acquisition of such land under the Land Acquisition Act.

(2) The grant of land reserved for persons belonging to the Scheduled Castes and Scheduled Tribes shall be subject to the extent and the order or preference indicated in sub-section (1)."

(3) Land cultivated by plantation crops surrendered to and vesting in the State Government under this Act shall be disposed of subject to such restrictions and conditions and in such manner and by such authority as may be prescribed.

57. *Amendment of section 78.*—In section 78 of the principal Act,—

(1) in sub-section (1), for the words "Tahsildar may determine", the words "Tahsildar may determine, the first instalment becoming payable within such times as may be prescribed." shall be substituted ;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) The purchase price shall be an amount equal to the amount payable in reject of the land under section 72."

58. Amendment of Chapter heading and insertion of new sections 79A and 79B.—In Chapter V of the principal Act,—

(i) in the Chapter heading, after the words " Restrictions on ", the words " holding or " shall be inserted ;

(ii) before section 80, the following sections shall be inserted, namely :

" *79A. Acquisition of land by certain persons prohibited.*—(1) On and from the commencement of the Amendment Act, no person who or a family or a joint family which has an assured annual income of not less than rupees twelve thousand from sources other than agricultural lands shall be entitled to acquire any land whether as land owner, landlord, tenant or as mortgagee with possession or otherwise or partly in one capacity and partly in another.

(2) For purposes of sub-section (1)—

(i) the aggregate income of all the members of a family or a joint family from sources other than agricultural land shall be deemed to be income of the family or joint family as the case may be from such sources ;

(ii) a person or a family or a joint family shall be demeed to have an assured annual income of not less than rupees twelve thousand from sources other than agricultural land on any day if such person or family or joint family had an average annual income of not less than rupees twelve thousand from such sources during a period of five consecutive years preceding such day.

Explanation.—A person or a family or a joint family who has been assessed to income tax under the Income Tax Act, 1961 (Central Act 43 of 1961) on an yearly total income of not less than rupees twelve thousand for five consecutive

years shall be deemed to have an average annual income of not less than rupees twelve thousand from sources other than agricultural lands.

(2) Every acquisition of land otherwise than by way of sub-section (1) or acquires it by bequest or inheritance he *null* and *void* ;

(3) Where a person acquires land in contravention of sub-section (1) or acquires it by bequest or inheritance he shall, within ninety days from the date of acquisition, furnish to the Tahsildar having jurisdiction over the Taluk where the land acquired or the greater part of it is situated a declaration containing the following particulars, namely :—

(i) particulars of all lands ;

(ii) the average annual income of himself or the family ;

(iii) such other particulars as may be prescribed.

(4) The Tahsildar shall, on receipt of the declaration under sub-section (3), and after such enquiry as may be prescribed, send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner who shall, by notification, declare that with effect from such date as may be specified in the notification, such land shall stand transferred to and vest in the State Government without further assurance free from all encumbrances. From the date specified in such notification the Deputy Commissioner may take possession of such land or in such manner as may be prescribed.

(4) For the land vesting in the State Government under sub-section (3) where the acquisition of the land was by bequest or inheritance an amount as specified in section 72 shall be paid and where the acquisition was otherwise than by bequest or inheritance only fifty per cent of such amount shall be paid."

79B. Prohibition of holding agricultural land by certain persons.—(1) With effect on and from the date of commencement of the Amendment Act, except as otherwise provided in this Act,—

(a) no person other such a person cultivating land personally shall be entitled to hold land ; and

(b) it shall not be lawful for,

(i) an education, religious, charitable or other institution or trust, capable of holding property ;

(ii) a company ;

(iii) an association or other body of individuals not body of individuals not being joint family whether incorporated or not ; or

(iv) a co-operative society not registered under the provisions of this Act.

to hold any land.

(2) Every such institution, trust, company, association, body or co-operative society,—

(a) which holds lands on the date of the commencement of the Amendment Act, and which is disentitled to hold lands under sub-section (1), shall, within ninety days from the said date, furnish to the Tahsildar within whose jurisdiction the greater part of such land is situated a declaration containing the particulars of such land and such other particulars as may be prescribed ; and

(b) which acquires such land after the said date shall also furnish a similar declaration within the prescribed period.

(3) The Tahsildar shall on receipt of the declaration under sub-section (2) and after such enquiry as may be prescribed, send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner who shall, by notification, declare that such land shall vest in the State Government free from all encumbrances and take possession thereof in the prescribed manner.

(5) In respect of the land vesting in the State Government under this section an amount as specified in section 72 shall be paid.

Explanation.—For purposes of this section it shall be presumed that a land is held by an institution, trust, company, association body where it is held by an individual on its behalf.

79C. Penalty for failure to furnish declaration.—(1) Where a person fails to furnish the declaration under section 79A or section 79B or furnishes a declaration knowing or having reason to believe it to be false, the Tahsildar shall issue a notice in the prescribed form to such person to show cause within fifteen days from the date of service thereof why the penalty specified in the notice, which may extend to five hundred rupees, may not be imposed upon such person.

(2) If the Tahsildar on considering the reply, if any, filed is satisfied that the person had failed to furnish the declaration without reasonable cause or had filed it, knowing or having reason to believe, it to be false, he may, by order, impose the penalty and also require such person to furnish within a period of one month from the date of the order a true and correct declaration complete in all particulars.

(3) If the person fails to comply with such order, his right, title and interest in the land concerned shall as penalty, be forfeited to and vest in the State Government.

59. Amendment of section 80.—Section 80 of the principal Act shall be renumbered as sub-section (1) thereof and in sub-section (1) as so renumbered,—

(i) in clause (b)—

(a) for item (iii), the following items shall be substituted, namely :—

" (iii) who is not an agricultural labourer ; or

(iv) who is disentitled under section 79A to acquire any land : "

(b) in the proviso, for the words " to enable persons ", the words, figures and letter " to enable a person other than a person disentitled to hold land under section 79A " shall be substituted ;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"'(2) Nothing in sub-section (1) shall apply to lands granted under section 77."

60. Substitution of new section for section 81.—For section 81 of the principal Act, the following section shall be substituted, namely :—

"*81. Sections 79A, 79B and 80 not to apply in certain cases.*—Nothing in section 79A or section 79B or section 80 shall apply to—

(a) the sale, gift or mortgage of any land or interest therein in favour of the Government ;

(b) the mortgage of any land or interest therein in favour of—

(i) a co-operative society ;

(ii) a Scheduled Bank ;

(iii) the Mysore State Agro-Industries Corporation :

(iv) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 ;

(v) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 ;

(vi) any company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956) in which not less than fifty-one per cent of the paid up share capital is held by the State Government ;

(vii) any corporation, not being a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956) established or constituted by the State Government ;

as security for any loan or other facility given by such society, bank or corporation for agricultural purposes ;

Explanation.—In this clause 'agricultural purposes' include making land fit for cultivation, cultivation of land, improvement of land, development of sources of irrigation, raising and harvesting of crops, horticulture, forestry, planting and farming, cattle

breeding, animal husbandry, dairy farming, seed farming, pisciculture, apiculture, sericulture, piggery, poultry farming and such other activities as are generally carried on by agriculturists, dairy farmers, cattle breeders, poultry farmers and other categories of persons engaged in similar activities including marketing of agricultural products, their storage and transport and the acquisition of implements and machinery, in connection with any such activity ;

(c) the sale of any land or interest therein referred to in clause (b) in enforcement of the said security.

(d) the sale or mortgage of any land in favour of a sugar factory or sale in favour of the Coffee Board constituted under the Coffee Act, 1942 (Central Act 7 of 1942).

61. Amendment of section 81A.—In sub-section (1) of section 81A of the principal Act, for the words "land held by him", the words "land held by him as also his assured annual income" shall be substituted.

62. Amendment of section 83.—In section 83 of the principal Act, the following shall be added at the end, namely :—

"The land in respect of which such transaction has taken place shall, as penalty, be forfeited to and vest in the State Government. No amount is payable therefor."

63. Omission of section 103.—Section 103 of the principal Act, shall be omitted.

64. Substitution of new section for section 104.—For section 104 of the principal Act, the following section shall be substituted, namely :—

104. *Plantations.*—(1) Subject to the provisions of section 110, the provisions of section 63 other than sub-section (8) thereof, sections 79A, 79B and 80, shall not apply to plantations.

(2) Notwithstanding anything in sub-section (1) or any other provision of this Act, no person shall after the date of commencement of the Amendment Act, acquire in any manner plantation of an extent which together with the plantation, if any, already held by him exceeds twenty units.

(3) In respect of every acquisition contrary to the provision in sub-section (2), the provision of section 66 shall *mutatis mutandis* apply.

Explanation.—In this section 'plantation' means any land used by a person principally for the cultivation of plantation crop and includes any land used by such person for any purpose ancillary to the cultivation of such crop or for preparation of the same for the market."

65. Omission of section 105.—Section 105 of the principal Act shall be omitted.

66. Amendment of section 106.—In section 106 of the principal Act,—

(i) in the heading, for the word "Compensation", the words "Amount payable" shall be substituted.

(ii) in sub-section (1), for the word "compensation", the words "the amount" shall be substituted and for the words, bracket and figures "sub-sections (2), (3) and (4)" the words, brackets and figures "sub-section (2)" shall be substituted ;

(iii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) In respect of lands held by such institution, the amount payable shall be an annuity to be paid so long as the institution exists of a sum equal to the net annual income referred to in sub-section (2) of section 72. Towards the annuity payable the State Government shall issue a non-redeemable and non-negotiable annuity bond." ;

(iv) for sub-sections (3) and (4), the following sub-section shall be substituted, namely :—

"(3) Where the land in respect of which the annuity payable under sub-section (2) is subject to encumbrances,—

(a) if the value of the encumbrance is less than the amount of the annuity, the holder of the encumbrance shall be paid in full from out of the amount of annuity and the balance shall be paid to the institution ;

(b) if the value of the encumbrance is more than the amount of the annuity, five per cent of such value shall be paid from out of such amount till the value of the encumbrance is fully paid and the balance shall be paid to the institution ;

(c) if there are more encumbrances than one the amount under clauses (a) and (b) shall be distributed according to priority."

67. *Substitution of new section for section 107.*—For section 107 of the principal Act, the following section shall be substituted, namely :—

"*107. Act not to apply to certain lands.*—Subject to the provisions of section 110, nothing in this Act, except section 8 shall apply to lands—

(i) belonging to Government ;

(ii) ***held on lease from Government for a period not exceeding twenty years ;

(iii) belonging to or held on lease by or from a local authority, an Agricultural Produce Marketing Committee constituted under the Mysore Agricultural Produce Marketing Regulation Act, 1966 (Mysore Act 27 of 1966), a University established by law in India, the Mysore Bhoodhan Yagna Board established under the Mysore Bhoodhan Yagna Act, 1963 (Mysore Act 34 of 1963) ;

* * *

(iv) given as a gallantry award ;

(v) used for such stud farms as are in existence on the 24th day of January 1971 and approved by the State Government ;

(vi) used for the cultivation of linoleum ;

(vii) held by the Coffee Board constituted under the Coffee Board Act 1942 (central Act 7 of 1942) for purposes of research, development or propaganda :

Provided that in the case of lands belonging to or held on lease from the Mysore Bhoodhan Yagna Board, the exemption under this section shall not be applicable if such lands are in the possession of tenants on the date of duration to the said Board.

68. Amendment of section 108.—In section 108 of the principal Act,—

(i) in clause (a) of the proviso, for the words and figures "the tenant shall not be dispossessed except in accordance with the provisions of section 22", the words and figures "the provisions of section 44 shall apply and the land shall vest in the Government" shall be substituted ;

(ii) in clause (c), the words, brackets and figures commencing from "and in the case of the tenancy" and ending with the words "or to get ryotwariatta of the land" shall be omitted.

69. Substitution of new section for section 109.—For section 109 of the principal Act, the following section shall be substituted, namely :—

"109....Certain lands to be exempted from certain *provisions.*—Subject to the provisions of the Mysore Town and Country Planning Act, 1961 (Mysore Act 11 of 1963), the Government may, by notification, exempt from x x the provisions of section 80 x x x land in any area to be used for urban non-agricultural or industrial development."

70. Amendment of section 110.—In section 110 of the principal Act, for the words and figures "section 103, 105, 107 and 108", the words and figures "sections 104 and 107" shall be substituted.

71. Substitution of new section for section 112.—For section 112 of the principal Act, the following section shall be substituted, namely.—

"*112. Duties of Tahsildar, Tribunal and Court.*—The duties and functions of the Tahsildar, Tribunal and Court shall be as specified below :—

(A) *Duties of Tahsildar.*—

(a) to decide a dispute between the landlord and the tenant regarding the rent payable under sub-section (2) of section 9 ;

(b) to determine the compensation payable to a tenant under section 11 ;

(c) to declare the vesting in the State Government of the lands referred to in sub-section (6) of section 15 or section 20 ;

(d) not to order restoration of possession to the landlord on the tenant paying the arrears of rent together with the cost of proceedings under section 23 ;

(e) to determine compensation for trees payable under section 27 ;

(f) to order recovery of costs incurred on bunds and costs of proceedings under sub-section (2) of section 30 ;

(g) to grant certificate under sub-section (2) of section 37 ;

(h) to determine the reasonable price of land under sub-section (2) of section 39 ;

(i) to pass orders on application for possession under sub-section 41 ;

(j) to order forfeiture of crops and payment of costs and penalty under sub-section (4) of section 41 ;

(k) to hold an inquiry and pass orders in cases relating to recovery of rent under section 42 ;

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(l) to determine the amount payable under section 47 and also to prepare a statement of distribution of the amount under section 48B ;

(m) to determine the encumbrances and arrange payment of amount under section 50 ;

(n) to issue a certificate, to refund amount and to condone default in payment of premium under section 55 ;

(o) to order forfeiture of the right, title and interest of a person in the land under sub-section (2) of section 58 ;

(p) to condone failure to cultivate personally under section 60 ;

(q) to pass order imposing penalty under section 66A ;

(r) to determine the land to be surrendered under section 67 ;

(s) to determine the compensation under section 71 ;

(t) to pass order imposing penalty and requiring a person to furnish a true and correct declaration under sub-section (2) of section 79C ;

(u) to perform such other duties and functions as are imposed on the Tahsildar by any other provision of this Act or under any rule made thereunder.

(B) *Duties of Tribunals—*

(a) to make necessary verification or hold an enquiry and pass orders in cases relating to registration of a tenant as occupant under section 48A ;

(b) to decide whether a person is a tenant or not ;

(c) to grant surplus land other than plantations under section 77 ;

(d) to perform such other duties and functions as are imposed on the Tribunal under the provisions of this Act or under any rule made thereunder ;

(C) *Duties of Court—*

(a) to decide whether a person is a small holder under clause (31) of sub-section (A) of section 2;

(b) to make an order for refund and for inflicting penalty under sub-section (5) of section 13 or an order reducing the rent under sub-section (6) of that section ;

(c) to decide apportionment of rent payable by the sharers under clause (e) of section 21 ;

(d) to perform such other duties and functions as are imposed on the Court under the provisions of this Act or under any rule made thereunder."

72. *Amendment of section 118.*—In section 118 of the principal Act,—

(i) in sub-section (1), after the words "from every decision", the words and figures "including a decision under section 133" shall be and shall be deemed always to have been inserted ;

(ii) sub-section (2a) shall be omitted.

73. *Substitution of new section for section 118A.*—For section 118A of the principal Act, the following section shall be substituted, namely :—

"*118A. Revision by the Divisional Commissioner.*—The Divisional Commissioner may of his own motion or on the application of any person at any time call for and examine the record of any order passed by the Assistant Commissioner against which no appeal lies or the record of any order passed or proceeding recorded by the Tahsildar for the purpose of satisfying himself as to the legality or property of such order or as to the regularity of such proceeding and may pass order with respect thereto as he thinks fit :

Provided that no such order shall be made except after giving the person affected, a reasonable opportunity of being heard."

74. *Insertion of new section 121A.*—After section 121 of the principal Act, the following section shall be inserted, namely :—

"*121A. Revision by the High Court.*—The High Court may at any time call for the records of any order or proceeding recorded by a court under the provisions of this Act for the purpose of satisfying itself as to the legality of such order or as to the regularity of such proceeding and may pass such order with respect thereto as it thinks fit :

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard."

75. Amendment of section 123.—In section 123 of the principal Act, after the words "Assistant Commissioner", the word "Tribunal" shall be inserted.

76. Amendment of section 124.—In section 124 of the principal Act, after the words "Deputy Commissioner", the words "the Tribunal" shall be inserted.

77. Amendment of section 125.—In section 125 of the principal Act,—

(i) in sub-section (2), for the word and figure "Chapter IV", the words and figures "Chapter IV or Chapter V" shall be substituted ;

(ii) in sub-section (2A), for the words "return or" in the two places where they occur, the words "return, statement or" shall be substituted.

78. Insertion of new section 127A.—After section 127 of the principal Act, the following section shall be inserted, namely :—

127A. Maximum amount payable under the Act.—Where a person is entitled to the payment of an amount under section 47 and also under section 72 then, notwithstanding anything contained in the said sections the amount payable to such person shall not in the aggregate exceed rupees two lakhs."

79. Omission of section 131.—Section 131 of the principal Act, shall be omitted ;

(i) in sub-section (1), for the words "of compensation", the words "of an amount" shall be substituted ;

(ii) in sub-sections (2) and (3), for the words "compensation", the words "amount" shall be substituted.

80. Amendment of section 132.—In section 132 of the principal Act, after the words "Assistant Commissioner", in the

two places where they occur, the word "Tribunal" shall be inserted.

81. Amendment of section 133.—In section 133 of the principal Act, in sub-section (2),

(i) in clause, (a) for the words "by the court" and "to the court" the words "by the Tribunal" and "to the Tribunal" shall respectively be substituted ;

(ii) in clause (b), for the words "the court", the words "the Tribunal" shall be substituted.

82. Amendment of section 137.—In section 137 of in sub-section (2) ;

(i) clauses (ii), (iii) and (iv) shall be omitted ;

(ii) in clause (v), for the word "Court", the word "Tahsildar" shall be substituted ;

(iii) clause (vii) shall be omitted ;

(iv) in clauses (viii), (ix), (x) and (xi), for the word "Court", the word "Tahsildar" shall be substituted ;

(v) in clause (xii), for the words, brackets and figures "sub-section (1) of section 48", the words, brackets, figures and letter "sub-section (2) of section 48A" shall be substituted ;

(vi) clause (xiv) shall be omitted ;

(vii) for clause (xv), the following clause shall be substituted, namely :—

(xv) "the period within which and the form in which declaration under section 66 is to be filled" ;

(viii) in clause (xvi) for the words "the period within which", the words "the enquiry to be made by the Tahsildar and the period within which" shall be substituted.

83. Substitution of new Schedule for Schedule I.—For Schedule I to the principal Act, the following Schedule shall be substituted, namely :—

"SCHEDULE I"

[*See* Section 2 (A) (35 A)]

PART A

Classification of Lands

A Class

Lands having facilities for irrigation from such Government sources namely, Government canals, Government tanks and lift irrigation projects constructed and maintained by Government as are notified by Government to be capable of supplying water for growing two crops of paddy in a year or one crop of sugar-cane.

B Class

Lands having facilities for irrigation from such Government sources namely, Government canals, Government tanks and lift irrigation projects constructed and maintained by Government as are notified by Government where the water supply is adequate for growing only one crop of paddy in a year.

C Class

(i) Lands irrigated from any Government sources of irrigation other than those coming under classes A and B ;

(ii) Lands on which paddy crop can be raised with the help of rain water ;

(iii) Lands irrigated by lifting water from a river or Government canal or Government tank where the pumping installation or other device for lifting water is provided and maintained by the land-owner.

Note.—(1) Lands having facilities for irrigation from a Government source where the system of water supply is suitable for growing only light irrigated crop namely, crops other than paddy and sugarcane shall come under this class.

(2) Lands growing irrigated garden crop will come under classes 'A', 'B' or 'C' as the case may be depending upon the source of irrigation and the system of water supply.

D Class

Lands clssified as dry but not having any irrigation facilities from a Government source and assessed to a land revenue of not less than one rupee per acre as per revision settlement introduced under Chapter X of the Mysore Land Revenue Act, 1964.

E Class

Lands classified as dry and not having any irrigation facilities from a Government source and assessed to a land revenue of less than one rupee per acre as per revision settlement introduced under Chapter X of the Mysore Land Revenue Act, 1964.

Note.—Lands growing garden crops without irrigation from a Government source will come under class D or E depending upon the classification of the unirrigated dry lands in the village in which such garden lands are situated.

Lands in which plantation crops are grown shall be regarded as class E lands.

1. *Bangalore District :—*

1. Hoskote
2. Doddballapur
3. Nelamangala
4. Kanakapura
5. Magadi
6. Ramanagaram
7. Anekal
8. Devanahally
9. Channapatna

2. *Belgaum District.—*

1. Ramdurg
2. Athani
3. Raibag
4. Saundathi
5. Gokak

3. *Bellary District :—*

1. Bellary
2. Siruguppa
3. Hadagali
4. Kudligi
5. Harapanahalli
6. Mallapuram
7. Hospet
8. Sandur

4. *Bijapur District :—*

1. Bijapur
2. Indi
3. Sindgi
4. Bagewadi
5. Jamkhandi
6. Bilgi
7. Muddebihal
8. Mudhol
9. Bagalkot
10. Hungund
11. Badami

5. *Chickmagalur District :—*

Kadur

6. *Chitradurga District :—*

1. Challakere
2. Hiriyur
3. Davanagere

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	326	19	must d-some	must be some
	375	30	to be searcity	to the scarcity
	399	26	Financial Business Budget estimates for 1973-74.	Budget Estimates for 1973-74
	461	2	Insert Heading "Business of the House"	
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